

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 59-116 are pending in the application. Claims 76, 84, 92, 100, 109, and 113 are amended by the present amendment. As amended Claims 76, 84, 92, 100, 109, and 113 are supported by the original claims and specification,¹ no new matter is added.

In the outstanding Official Action, Claims 76-78, 84-86, 92-94, 100, 101 and 109 were rejected under 35 U.S.C. §102(b) as anticipated by Noneman (U.S. Patent 5,887,252); Claims 79-83, 87-91, 95-99, 102, 103, 110 and 111 were objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and Claims 59-75, 104-108 and 112-116 are allowed.

Applicants appreciatively acknowledge the allowance of Claims 59-75, 104-108 and 112-116 and the indication of allowable subject matter of Claims 79-83, 87-91, 95-99, 102, 103, 110 and 111.

As the Advisory Action of November 2, 2005 indicated that the amendments filed on October 11, 2005 would not be entered, these amendments are submitted again herewith.

Claim 113 is amended to correct an informality.

With regard to the rejection of Claim 76 under 35 U.S.C. §102(b) as anticipated by Noneman, that rejection is respectfully traversed.

Amended Claim 76 recites, *inter alia*, a multicast service providing method, wherein:

“the information distributing apparatus informs all the radio terminals present in the service area of information for identifying multicast information on distribution and radio channels used for the distribution of the multicast information by using a single message sent on a predetermined radio channel...”

¹See, e.g., the specification at page 26, line 23 to page 27, line 4.

During a phone interview on November 14, 2005, Examiner Sobutka asserted that the BS of Noneman could send multiple code channel indexes to the MS by sending multiple EHDM messages, each containing a different code channel index. However, amended Claim 76 recites that the multicast information on distribution and radio channels used for the distribution of the multicast information is transmitted using *a single message*. Even assuming *arguendo* that the code channel index described by Noneman is a “radio channel,” Noneman only describes including a *single* code channel index in the EDHM.² Thus, Noneman does not teach or suggest “the information distributing apparatus informs all the radio terminals present in the service area of information for identifying multicast information on distribution and radio channels used for the distribution of the multicast information by using *a single message* sent on a predetermined radio channel,” as recited in Claim 76.

As Noneman fails to teach or suggest the above cited feature of Claim 76, it is respectfully submitted that Claim 76 (and Claims 77-83 dependent therefrom) is not anticipated by Noneman and is patentable thereover.

Further, independent Claims 84, 92, 100, and 109 also recite that multiple radio channels are sent in a single message. Consequently, Claims 84, 92, 100, and 109 (and Claims 85-91, 93-99, 101-103, 110, and 111 dependent therefrom) are patentable over Noneman for at least the reasons described above with respect to Claim 76.

²See Noneman, column 5, lines 26-32.

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Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 59-116 is patentably distinguishing over the cited art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

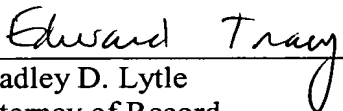
Respectfully submitted,

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